

Inventor : Thurieu *et al.*
Serial No. : 10/771,725
Filed : February 4, 2004
Page : 9

REMARKS

In the instant Office Action, claims 1, 5-20 and 30-36 are listed as pending, claims 5-8, 10, 12-20 and 30-36 are listed as withdrawn from consideration, claim 1 is rejected, and claims 9 and 11 are objected to for being dependent on a rejected base claim.

Applicants have amended claim 9 in the manner suggested by the Examiner to place the claim in condition for allowance. Claim 11 did not need to be rewritten since it remains dependant on claim 9, and claim 9 is presently amended in independent form pursuant to the Examiner's directive. Accordingly, withdrawal of the objection to claims 9 and 11 is believed to be in order.

Applicants have amended claims 30, 34 and 35 so that claims 30, 34 and 35 depend on claim 9, rather than claim 1. In addition, in response to the Examiner's suggestion, Applicants have amended the method claims 34 and 35 so as to recite the treatment of all of the conditions except the ones specifically indicated as not being enabled in the paragraph bridging pages 8 and 9 of the instant Office Action. Also in compliance with the Examiner's directive, Applicants have canceled the mode-of-action claims 31-33. Furthermore, Applicants have canceled claims 1. Lastly, in response to the Examiner's objection to Applicants' amendment to the specification, starting at page one, line 20, of the specification, Applicants have canceled the added material which is allegedly not supported in the disclosure.

Response to issues presented under 35 U.S.C. §112, first paragraph

In the instant Office Action, the Examiner has withdrawn the rejection of claim 1 under 35 U.S.C. §102(b), but has issued a *new* rejection against claim 1 under 35 U.S.C. §112, first paragraph, alleging that the previous amendment to claim 1, which amendment specifically excludes one single compound from the cited *von Geldern et al.* reference, is new matter. Without conceding the correctness of the Examiner's *new* rejection of claim 1 and in an effort solely to advance the prosecution of the instant application, Applicants have canceled, without waiver of prejudice, claims 1 and 5-8. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §112, first paragraph, is respectfully requested.

Inventor : Thurieau *et al.*
Serial No. : 10/771,725
Filed : February 4, 2004
Page : 10

CONCLUSION

In view of the cancellation of claim 1 and Applicants' compliance with all of the Examiner's suggested amendments to place the instant application in condition for allowance, it is submitted that claims 9 and 11 are now in a condition for allowance. Applicants further request the rejoinder of claims 30, 34 and 35 and submit that said claims are also in a condition for allowance. Prompt and favorable action is solicited.

Should Examiner Tucker deem that any further action be desirable with respect to these matters, he is requested to telephone the Applicants' undersigned attorney.

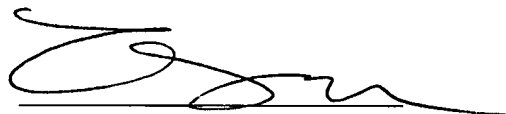
The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0590.

Respectfully submitted,

Date:

3/6/2007

IPSEN/Biomeasure, Incorporated
27 Maple Street
Milford, MA 01757-3650
(508) 478-0144 Telephone
(508) 478-2530 Facsimile



Tony K. Uhm
Attorney for Applicants
Reg. No. 52,450